

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated July 25, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

In the Office Action, claims 8 and 9 are objected to due to an informality, namely a misspelling of "parameterized" in claim 8. It is respectfully submitted that the informality is corrected in claim 8 and accordingly, it is respectfully requested that the objection to claims 8 and 9 be withdrawn.

Claims 10 and 11 are objected to as allegedly being in improper multiple dependent form. Claim 10 is amended herein to be in proper dependent form. Accordingly, it is respectfully submitted that claim 10 is in proper dependent form and accordingly, it is respectfully requested that the objection to claims 10 and 11 be withdrawn.

The Office Action rejects claims 14 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. It is

respectfully submitted that claim 14 as provided recites a "signal for carrying a computer program on a computer readable transmission medium ...". Since claim 14 is drawn to a signal for carrying a computer program on a computer readable transmission medium, which clearly is more than a mere signal, it is respectfully submitted that claim 14 contains statutory subject matter and it is requested that the rejection of claims 14 under 35 U.S. C. §101 be withdrawn.

Claims 1, 2, 8, 9 and 12-14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2001/0011347 to Narayanaswamy ("Narayanaswamy"). Claims 3-7, 10 and 11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Narayanaswamy in view of U.S. Patent No. 6,205,458 to Hasburn ("Hasburn"). It is respectfully submitted that claims 1-14 are allowable over Narayanaswamy alone and in view of Hasburn for at least the following reasons.

Narayanaswamy shows a system wherein a new boot code (see, FIG. 2, section 24, boot code 24c and paragraph [0024]) is written over an inactive boot code. The new boot code does not overwrite a current application code (see, main firmware 26c).

It is respectfully submitted that the system of Claim 1 is not anticipated or made obvious by the teachings of Narayanaswamy alone

and in view of Hasburn. For example, Narayanaswamy alone and in view of Hasburn does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "downloading a new boot code in a location, which does not overwrite the current boot code and does overwrite a current application code" as required by claim 1, and as substantially required by claim 2.

Narayanaswamy shows the new boot code is written over an inactive boot code and not the current application code as required by each of claims 1 and 2. Hasburn does nothing to cure the deficiencies in Narayanaswamy.

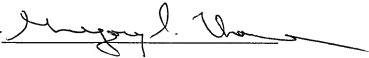
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 2 are patentable over Narayanaswamy alone and in view of Hasburn and notice to this effect is earnestly solicited. Claims 3-15 respectively depend from one of Claims 1 and 2 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. For example, Narayanaswamy alone and in view of Hasburn does not disclose or suggest "wherein the current boot code becomes an inactive boot code after the new boot code replaces the current boot code and wherein the new application code overwrites

the inactive boot code" as required by claim 15. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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